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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,331	11/02/2001	Annmarie L. Sabb	AM100320	6477

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EXAMINER

COLEMAN, BRENDA LIBBY

ART UNIT PAPER NUMBER

1624

DATE MAILED: 08/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/016,331		SABB ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Brenda L. Coleman		1624	

-- Th MAILING DATE of this communication app ars on the cov r sh et with the correspond nce address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4,8 and 22-24 is/are allowed.
- 6) ☒ Claim(s) 3,5-7 and 9-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                             | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3,4</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

Claims 1-24 are pending in the application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

1. Claims 3, 5-7 and 9-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following reason(s) apply:

- a) Claim 3 is vague and indefinite in that it is not known what is meant by the definition of  $R_1$  where  $R_1$  is hydrogen and  $R_1$  is also as defined in claim 1.
- b) Claim 5 is vague and indefinite in that it is not known what is meant by the capital letter "H" in the nomenclature of the species in claim 5. Capital letters have a certain purpose in parts of the nomenclature as in 8H, but Hexahydro is also capitalized.

#### 608.01(m) Form of Claims [R - 3]

The claim or claims must commence on a separate sheet and should appear after the detailed description of the invention. While there is no set statutory form for claims, the present Office practice is to insist that each claim must be the object of a sentence starting with "I (or we) claim", "The invention claimed is" (or the equivalent). If, at the time of allowance, the quoted terminology is not present, it is inserted by the clerk. **Each claim begins with a capital letter** and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See *Fressola v. Manbeck*, 36 USPQ2d 1211 (D.D.C. 1995). \*\* Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation, 37 CFR 1.75(i).

- c) Claim 6 is vague and indefinite in that it is not known what is meant by the capital letter "O" in the nomenclature of the species in claim 6.

- d) Claim 7 is vague and indefinite in that it is not known what is meant by the capital letter "A" in the nomenclature of the species in claim 7.
- e) Claim 9 is vague and indefinite in that it is not known what is meant by the capital letter "M" in the nomenclature of the species in claim 9.
- f) Claims 10-13 and 15-18 are vague and indefinite in that it is not known what is meant by the capital letters "M", "O", "C", "D" and "I" in the nomenclature of the species in claims 10-13 and 15-18.
- g) Claims 10-16 are vague and indefinite in that it is not known what is meant by the italic letter "*H*" in the nomenclature of the species in claims 10-16.
- h) Claims 10-16 are vague and indefinite in that it is not known what is meant by the italic letters "*hi*" in the nomenclature of the species in claim 10-16.
- i) Claim 14 is vague and indefinite in that it is not known what is meant by the capital letters "O", "C", "D" and "I" in the nomenclature of the species in claim 14.
- j) Claims 19-21 are vague and indefinite in that it is not known what is meant by the capital letters "D", "O", "C", "D" and "I" in the nomenclature of the species in claims 19-21.

***Allowable Subject Matter***

2. Claims 1, 2, 4, 8 and 22-24 are allowed. None of the prior art nor a search in the pertinent art area teaches the compounds, compositions and method of use of the cyclopenta[1,4]diazepino[6,7,1-hi]indole compounds of the instant invention.

Art Unit: 1624

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda L. Coleman whose telephone number is 703-305-1880. The examiner can normally be reached on 8:30-5:00 Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on 703-308-4716. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

A handwritten signature in cursive script that reads "Brenda Coleman".

Brenda Coleman  
Primary Examiner Art Unit 1624  
August 20, 2003